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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board (“Board”) held a Special meeting on May 18, 2017, in Hearing Room #1, at the Board’s offices.

2. **ROLL CALL**

Kathryn Doi, Vice President and Public Member, called the meeting of the Board to order at 10:29 a.m.

Present:	Kathryn Ellen Doi	William G. Brennan, Executive Director
	Bismarck Obando	Robin P. Parker, Senior Staff Counsel
	Glenn E. Stevens	Danielle R. Vare, Staff Counsel

Absent: Ryan L. Brooks
David C. Lizárraga

3. **PLEDGE OF ALLEGIANCE**

Mr. Stevens led the members and staff in the Pledge of Allegiance.

4. **ORAL PRESENTATION BEFORE THE PUBLIC MEMBERS OF THE BOARD**

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. JAGUAR LAND ROVER
NORTH AMERICA, LLC
Protest No. PR-2463-16

Ms. Doi read the following statement “comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board.” Furthermore, she indicated that since this is an adjudicative matter as described in Government Code section 11125.7(e), therefore members of the public may not comment on such matters.

Oral comments were presented before the Public Members of the Board. Halbert B. Rasmussen, Esq. of Arent Fox LLP represented Protestant. Colm A. Moran, Esq. of Hogan Lovells US LLP represented Respondent.

5. **CLOSED EXECUTIVE SESSION DELIBERATIONS**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

CONSIDERATION OF PROPOSED DECISION

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. JAGUAR LAND ROVER
NORTH AMERICA, LLC
Protest No. PR-2463-16

Consideration of the Administrative Law Judge's Proposed Decision, by the Public Members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Mr. Stevens moved to:

- (1) Reject the Proposed Decision with the exception of the analysis and conclusions of law regarding Vehicle Code section 11713.3(y)(2);
- (2) Remand the matter for additional consideration by the Administrative Law Judge limited to a determination in accordance with subdivision (c) of Vehicle Code section 3085 as to whether the California New Car Dealers Association met its burden of proof to show that the due diligence standard in Jaguar Land Rover North America's export prohibition policy violates the prohibitions of subdivision (y)(1) of Vehicle Code section 11713.3; and,
- (3) Sustain the portion of the protest in regard to Vehicle Code section 11713.3(y)(3) because, as a matter of law, Jaguar Land Rover North America's export prohibition policy violates subdivision (y)(3) of Section 11713.3 since it does not contain the statutorily mandated rebuttable presumption.

Mr. Obando seconded the motion. The motion carried unanimously.

6. **OPEN SESSION**

The Public Members returned to Open Session. Ms. Doi announced the decision in Agenda Item 6.

7. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 12:25 p.m.

Submitted by

WILLIAM G. BRENNAN
Executive Director

APPROVED: _____
Kathryn Ellen Doi
Vice President
New Motor Vehicle Board